

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

HEE JIN LOWERY and)
JOHN LOWERY, Individually, and)
as Assignees of Shou & Shou, Inc.,)

Plaintiffs,)

v.)

Case No.: 1:20-cv-05148-TWT

AMGUARD INSURANCE)
COMPANY,)

Defendant.)

PLAINTIFFS' REQUEST FOR FINAL JUDGMENT

Pursuant to Federal Rule of Civil Procedure 58(d), Plaintiffs Hee Jin Lowery and John Lowery request final judgment in their favor and show the following:

1.

On September 14, 2022, the Court entered its opinion and order granting Plaintiffs' Motion for Partial Summary Judgment and denying Defendant's Motion for Summary Judgment leaving for further resolution Plaintiffs' claim for bad faith penalties and attorneys' fees as set forth in Count III of their Amended Complaint. (Doc. 92; Doc. 25)

2.

Contemporaneously herewith, Plaintiffs have filed their notice of intent to abandon their claim for bad faith penalties and attorneys' fees under O.C.G.A. § 33-4-6.

3.

No further matters are before the District Court for resolution, and the Court's Summary Judgment order dated September 14, 2022, should be made the final judgment of the court upon recalculation of post judgment interest.

WHEREFORE, Plaintiffs respectfully pray for an Order directing the clerk to enter final judgment as set forth below:

In favor of Hee Jin Lowery in the amount of \$900,000.00, plus post judgment interest since the date of the original judgment on July 6, 2020, in the amount of \$ 128,990.07 (\$154.11 per day for 837 days);

In favor of John Lowery in the amount of \$100,000.00 plus post judgment interest since the date of the original judgment on July 6, 2020, in the amount of \$14,329.44 (\$17.12 per day for 837 days);

And all costs of this action.

Respectfully submitted this 21st day of October 2022.

/s/ David P. Dekle
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CERTIFICATE OF COMPLIANCE PURSUANT TO LOCAL RULE 7.1(D)

Undersigned counsel certifies the foregoing has been prepared with Size 14 Times New Roman font and does not contain more than 10 characters per inch of type.

/s/ David Dekle
David Dekle
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

This certifies the foregoing Plaintiffs' Request for Final Judgment was filed with the Clerk of Court and served upon opposing counsel of record by the Court's electronic filing system ("ECF") as follows:

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This 21st day of October 2022.

/s/ David P. Dekle
David P. Dekle